

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

KENNETH E. SAVAGE,)	
)	
Plaintiff,)	
)	
v.)	No. 14-2057-STA
)	
FEDEX CORPORATION d/b/a)	
FEDEX EXPRESS)	
)	
Defendant.)	

ORDER GRANTING PLAINTIFF'S MOTION TO WAIVE FILING FEE

Before the Court is Plaintiff Kenneth E. Savage's Motion to Waive Filing Fee (D.E. # 2) filed on January 26, 2014. Plaintiff filed an amended complaint on February 28, 2014, alleging claims pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA"). Plaintiff alleges in his amended complaint that he has been a member of the United States Navy Reserve since 1998 and currently holds the rank of lieutenant.¹ Based on this allegation, the Court finds that Plaintiff is a qualified member of the "uniformed services" as defined in the USERRA, 38 U.S.C. § 4303. In the Motion before the Court, Plaintiff seeks waiver of the case initiation fee for bringing this civil action. Pursuant to 38 U.S.C. § 4323(h)(1), "[n]o fees or court costs may be charged or taxed against any person claiming rights under this chapter."² Several federal courts have construed this provision to require the waiver of initial filing fees in cases where

¹ Am. Compl. ¶ 8.

² 38 U.S.C. § 4323(h)(1).

a plaintiff alleges USERRA claims.³ Therefore, the Court hereby waives the civil filing fee in this case pursuant to 38 U.S.C. § 4323(h)(1).

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE

Date: March 17, 2014.

³ *E.g. Davis v. Advocate Health Ctr. Patient Care Exp.*, 523 F.3d 681, 684 (7th Cir. 2008) *Baney v. Merit Sys. Prot. Bd.*, 396 F. App'x 686, 687 (Fed. Cir. 2010); *Palumbo v. Devry Univ.*, 2013 WL 4558175, — F. Supp. 2d — (N.D. Ill. Aug. 23, 2013); *MacIver v. City of Lakeland, Fla.*, 8:13-CV-1759-T-35TGW, 2013 WL 3818111 (M.D. Fla. July 17, 2013); *Snyder v. Johnson*, 12-2723-JAR-DJW, 2012 WL 5866249 (D. Kan. Nov. 19, 2012); *Fincher v. Ga. Pac., LLC*, CIVA.108-CV-3839-JOF, 2009 WL 1075269 (N.D. Ga. Apr. 21, 2009); *Seeton v. Thermadyne Holdings Corp.*, 4:09-CV-147, 2009 WL 1025323 (E.D. Tex. Apr. 15, 2009).